IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.25181 of 2004

Between:

K.V. Narayana Rao, s/o Venkatarayulu, President
Abhudaya Educational Society and Chairman of S.K.E. Degree College, Siripur Kagaznagar, Adilabad District.

..... PETITIONER

AND

1. The Government of A.P. rep., by its Principal Secretary, Higher Education Department, Hyderabad.
2 The Commissioner of Collegiate Education & Competent Authority, (Now Director) Government of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more fully in the nature of writ of Mandamus declaring that the proceedings No.G.O.Rt.No.960, Higher Education (VC-I) Department dated 28-12-2004 of the 1st respondent i.e., Principal Secretary to Government, Higher Education
(VC-I) Department and the proceedings of the 2nd respondent ie., Director of College Education in Rc.No.3078/PC-III-3/93 dated 26-08-1994 as illegal and unenforceable by directing the respondents not to interfere with the administration and functioning of the SKE Degree College, Sirpur Kagaznagar, Adilabad District.

Counsel for the Petitioner: SMT.K.SESHARAJYAM

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court made the following:

ORDER:

This writ petition is filed seeking to declare the proceedings No.G.O.Rt.No.960, Higher Education (VC-I) Department, dated 28.12.2004 of the 1st respondent-Principal Secretary to Government, Higher Education Department and the proceedings of the 2nd respondent-Commissioner of Collegiate Education in Rc.No.3078/PC-III-3/93, dated 26.08.1994 as illegal and unenforceable and to direct the respondents not to interfere with the administration and functioning of the petitioner-College.

The case of the petitioner is that on the complaints made by others against the Management and governing body of the petitioner-College, the 2nd respondent issued show cause notice dated 29.12.1993 to the petitioner proposing to appoint a Special Officer by suspending the Management, for which, the petitioner is said to have submitted explanation. It is stated that without considering the said explanation, the 2nd respondent issued proceedings dated 26.08.1994 appointing the Special Officer to take charge of the management of petitioner-College. As against the said orders of the 2nd respondent, it is stated that the petitioner filed revision before the 1st respondent. The grievance of the petitioner is that the 1st respondent, without giving any opportunity of hearing to the petitioner, has rejected the revision petition vide impugned order dated 28.12.2004 and directed the 2nd respondent to implement the orders dated 26.08.1994. Hence, the present writ petition is filed.

Heard the learned counsel for petitioner and learned Government Pleader for Education. Both counsel agreed to dispose of the writ petition at the admission stage.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions.

The 1st respondent is directed to rehear the revision petition filed by the petitioner by fixing the date of hearing on 09.03.2005 and after giving an opportunity of hearing to

the petitioner and taking into consideration of the material, if any, produced by the petitioner, pass appropriate orders on the said revision petition in accordance with law. The petitioner is directed to appear before the 1st respondent on 09.03.2005 without fail, and in default the 1st respondent is at liberty to proceed further in the matter based on the material available on record. Till such time, interim suspension orders granted by this Court on 31.12.2004 shall stand continue.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

_____

N.V. RAMANA, J.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary, Higher Education Department, Government of A.P., Hyderabad.
2 The Commissioner of Collegiate Education & Competent Authority, (Now Director) Govt. of A.P., Hyderabad.

3 Two CCS to GP for Higher Education, High Court of AP, Hyderabad (OUT)

4 2 CD copies

*Form-NIC-OGS/WP{**RS**}*